

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 93007

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-050-93

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

Expiration Date _____

Governor's Signature

**Environmental
Commission**

Classification [] Proposed [] Adopted By Agency [XX] Temporary [] Emergency []

Brief description of action: Petition 93007 (LCB R-050-93) permanently amends NAC 445.240 to change the reporting requirements concerning the release of hazardous waste, pollutant, contaminant or petroleum. The changes relate to individuals other than owners/operators to report releases, update reporting phone numbers, and modify volume criteria for soil contaminated with petroleum compounds.

Authority citation other than 233B: NRS 445.201(1)(a)

Notice date:

Temporary - April 20, May 6, May 17 and May 19, 1993.

Permanent - August 24, September 8 and September 16, 1993

Hearing date:

Temporary - May 27, 1993

Permanent - September 22, 1993

Date of Adoption of Agency:

Temporary - May 27, 1993

Permanent - September 22, 1993

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 93007
LCB R-050-93**

The following statement is submitted for adopted permanent amendments to Nevada Administrative Code Section 445.240.

1. A description of how the public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 93007 was noticed seven (7) times: 4-20-93, 5-6-93, 5-17-93, and 5-19-93 and 8-24-93, 9-8-93, and 9-16-93 in the Las Vegas Review Journal and the Reno Gazette Journal newspapers.

2. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers as referenced in Item 1. No comments from the public were received. The Division also solicited comments from registered environmental professionals (approximately 300 individuals) in Nevada on petitions 93006 and 93007. A summary of comments received is attached. A copy of the summary may be obtained from the State Environmental Commission.

3. If the regulation was adopted without changing any part of the proposed regulation, a summary of reasons for adopting the regulation without change.

The proposed amendment was adopted with a change of 445.240 (1) to reflect the owner and operator must designate his agent for release reporting. This change was made based upon public comment. No other changes were made to the proposed regulatory modifications at the May 27, 1993 hearing.

Temporary regulations were adopted on May 27, 1993.

Permanent regulations were adopted at the SEC meeting on September 22, 1993 with no further public comment.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long term effects.

- a. There are no adverse economic impacts to the public or regulated sources. There is a beneficial impact to regulated sources in the increase of the reportable quantity for a petroleum release which has impacted soils (445.240(2)(c)(2)).

- b. There are no immediate or long term economic effects to the public. There is a immediate and beneficial economic effect to the regulated community for the increase in the reportable quantity for a petroleum release which has impacted soils (445.240(2)(c)(2)).

5. The estimated cost to the agency for enforcement of the proposed regulation.

No additional costs to the agency are anticipated for enforcement of the proposed regulatory changes.

6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.

There are no other state or government agency regulations which the proposed amendments duplicate.

**CODIFIED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION
LCB File No. R-050-93**

EXPLANATION--Matter in italics is new; matter in brackets [] is material to be omitted.

AUTHORITY: NRS 445.201

Section 1. NAC 445.240 is hereby amended to read as follows:

445.240 1. Any person who owns or operates a facility *or his designated agent* shall notify the:

(a) Division of emergency management of the department of **[the military] motor vehicles and public safety** as soon as possible after he has knowledge of a release described in subsection 2 that involves his facility. The notice must be by telephone at (702) **[885-4240] 687-4240** during normal working hours or at (702) **[885-5300] 687-5300** after normal working hours.

(b) **[Administrator] Director** as soon as possible after he has knowledge of such a release, but not later than the end of the first working day after the release. The notice must be by telephone at 800-992-0900, extension **[4670.] 5872 or (702) 687-5872**.

2. The following are subject to the notice requirements of subsection 1:

(a) A release in a quantity equal to or greater than that which is required to be reported to the National Response Center pursuant to 40 C.F.R. Part 302.

(b) A release consisting of any quantity of pollutants, hazardous waste, as defined in NRS 459.430, or contaminants, as defined in NRS 445.143, and the pollutant, hazardous waste or contaminant is not listed in 40 C.F.R. § 302.4.

(c) A release consisting of a petroleum product:

(1) Which is released to the soil or other surfaces of land in a quantity greater than 25 gallons; or

(2) Discovered on or in the ground water or in at least **[10 cubic feet] 3 cubic yards** of soil during excavation of soil, subsurface exploration, monitoring of ground water or any other subsurface activity.

END OF PETITION 93007 (LCB R-050-93)